



plaintiffs to show cause in writing on or before May 31, 2013, why defendant's motion should not be granted and this action dismissed for failure to prosecute. Plaintiffs failed to respond to the court's show cause order.

Rule 4(m) of the Federal Rules of Civil Procedure states:

If a defendant is not served within 120 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice against the defendant or order that service be made within a specified time.

Here, plaintiffs have failed to serve the summons and complaint on any defendant within 120 days of filing the complaint; defendant Cytosport has filed a motion to dismiss, which plaintiffs have failed to respond to; and plaintiffs have failed to respond to the court's show cause order, indicating to the undersigned that they have no interest in prosecuting this action.

Accordingly, the court finds the defendant Cytosport's motion to dismiss well taken, and the motion [Doc. 3] is **GRANTED**. This action is hereby **DISMISSED without prejudice, as to all defendants**.

**ENTER:**

s/ Thomas W. Phillips  
United States District Judge